

CALIFORNIA DEPARTMENT OF CORRECTIONS

NAME: SOLTERO

CDC #: K36340

BED: C-8-225L

COMMITTEE ACTION SUMMARY

RETAIN SVSP IV 180. PLACE IN BMU PROGRAM. PLACE IN STEP 1. CONTINUE CLO B CUSTODY, CONTINUE WG PG C/C EFFECTIVE 12/7/06, REMOVE FROM ALL WL, DOUBLE CELL APPROVED, PSYCH IS CLEAR. TABE 12.0. ANNUAL 2/28/07. REFUSED TO SIGN EXPECTATIONS 128B.

COMMITTEE'S COMMENTS

Inmate SOLTERO declined to appear before Salinas Valley State Prison's (SVSP's) Facility C Unit Classification Committee (UCC) today for his Program Review and therefore UCC was held in absentia. SOLTERO did receive his 72-hour notice for the purpose of this review.

Soltero was received from ASU, recommending BMU placement. Per Operational Procedure 11C states in part; #3. Organized Criminal Activity, any pattern of behavior, which indicates an individual's participation in organized criminal activity, shall be grounds for placement in the BMU program. Organized criminal activity is defined as behavior, which indicates an inmate's participation in a prison or street gang. Examples of this type of behavior include, but not limited to; Participating in gang related riots, Participating in gang related batteries or physical assaults, Distribution of property, material or items in an effort to generate revenue for the purpose of financing/furthering the prison gang or street gang's illegal activity, Evidence of attempts to recruit others to participate in prison gang or street gang's activity or Participating directly or indirectly in an misconduct that could be related to a specific type of gang behavior. Soltero received an RVR dated 5/3/02 for Participation in a Riot. According to the circumstances the Riot was between white and hispanic inmates. Per Operational Procedure 11 SHU Offense as outlined in CCR 3341.5. If an inmate has been found guilty of an offense for which a determinate term of confinement has been assessed, or is deemed to be a threat to the safety of others or the security of the institution, the inmate may be referred to a classification committee for placement in the BMU. This may be from general population (GP) or Administrative Segregation (ASU). Soltero received an RVR dated 7/5/04 for Battery on an Inmate with SBI division A1(3) offense and found guilty and received a 12 month SHU term. Soltero also received an RVR dated 5/3/02 for Active participation in a White/Hispanic Riot, a division d offense, found guilty and received a 4 month SHU term. Soltero was originally placed in the BMU program on 8/23/06, however he refused to participate. On 10/16/06, Soltero was placed in ASU pending an investigation that you may of received threats to your life. The investigation was completed and you were released from ASU by ICC on 12/7/06 the BMU Program.

Based on this information inmate meets the criteria for BMU placement. Soltero has been informed of the steps for completion of the BMU program as well as being informed he will need to complete an available anger management program such as, Breaking Barriers, Cage your Rage or Framework for Recovery. Soltero was advised of the process for the reimplementation of his privileged/placement, which may be restored. Soltero's manner and verbal interaction with UCC on the issues of his case convinced this committee he fully understood without staff assistant's input. Soltero was advised of the process for the reimplementation of his privileged/placement, which may be restored. UCC informed Soltero he must remain disciplinary free during the entire program and complete the Individual Treatment Plan (ITP) as directed before being released from BMU. As part of Soltero's ITP, he was placed in Cage your Rage and Narcotics Anonymous (NA) for Step 1 of his treatment plan. Soltero refused to attend today's UCC refused to sign the 128B Behavioral Modification Unit (BMU) Step Process, Privileges and Expectations' chrono. Soltero did not agree with committee and was advised of his right to appeal this or any decision/action, which might have an adverse effect on him by filing a CDC 602. There are no further classification concerns at this time and his next scheduled classification will be 30 day's from today's UCC action for program review.

Soltero was originally placed into the BMU program on 8/23/06. Soltero was provided the opportunity on numerous occasions to sign the Behavioral Modification Unit Step Process, Privileges and Expectations 128B, however he refused and as a result was placed in Ad-Seg pending an investigation.

The Investigation into threats the subject may have received on his life, which could endanger the safety and security of the institution, and possible enemy concerns, was completed by Captain G. Ponder, see confidential memo dated 11-27-2006. Officer Salopek completed a 128B (dated 12/5/06) stating SOLTERO has no safety concerns and is cleared to return to Facility C BMU program. Facility Captain (A) J. Celaya was contacted and stated SOLTERO was cleared to return to Facility C BMU. His Central file does not reflect a pervasive pattern of violence or predatory behavior toward cellmates, and the confidential memo dated 11-27-2006 states that there is no known enemies and he can be housed with "inmates in similar situations and the normal Ad-Seg process for double celling". Therefore, he is cleared for double cell occupancy. He is not a participant in the MHSDS and has a GPL 12 @. The CDC 812, 812C, 127, 840 and MCSF have been reviewed and updated. CSR 128G dated 9/21/04 issues have been addressed. The RVR from Calipatria State Prison (05-04-C-024) was dismissed and a 128B noting this has been placed in the file.

Based upon a review of SOLTERO'S Central File and case factors committee elects to: Retain SVSP IV 180. Place in BMU Program. Place in Step 1. Continue CLO B Custody, Continue WG PG C/C Effective 12/7/06, Remove from All WL, Double Cell Approved, Psych is Clear. TABE 12.0. Annual 2/28/07. Refused to Sign Expectations 128B.

At the conclusion of this review, SOLTERO will be informed of his Appeal Rights with regards to this committee's actions.

INMATE CASE FACTORS

CUSTODY	PS/LEVEL	WG/PG & EFF. DATE	RELEASE DATE	GPL	RECLASS	AGE	ETHNIC	TERMER	NEXT BPT & DATE
CLOB	161/IV	CC - 12/7/2006	MEPD 2/24/2021	12 (R)	1/12/2007	32	MEX	1st	IPCH 10/2018
RECEIVED	RECEIVED FROM & TYPE OF TX		RECEIVED CDC	COUNTY OF COMMITMENT		SENTENCE			RESTITUTION
6/22/2004	CAL Non-Adverse		2/6/1997	San Diego		26 Years to Life			\$7700.00
COMMITMENT OFFENSE									
1st Degree Murder									
PRIOR ARREST HISTORY		DISCIPLINARY HISTORY							
I/O		Willfully Obstructing/Delaying PO, Battery on an Inmate W/SBI, Delaying a Peace Officer in the performance of Duty, Refusing to Submit to Urinalysis, Possession of Dangerous Contraband, Flooding, Att to introduce contraband into Ad Seg, Participation in a Riot,Recurring failure to meet program expectations (PENDING), Willfully resisting a Peace Officer (PENDING)							
SEX OFFENSES			ARSON OFFENSES			ESCAPES			
Clear as of 12/12/2006			Clear as of 12/12/2006			Clear as of 12/12/2006			
ENEMIES		GANG/TIP					CONFIDENTIAL		
Noted on CDC 812 & CDC 812C							Noted & Reviewed		
MEDICAL		TB - DATE 128C	DENTAL	DPP		SUBSTANCE ABUSE			
Full Duty		22 - 5/3/2006	3	N/A		Alcohol, Cocaine, Marijuana			
PSYCH		MDO			DDP				
Clear		Doesn't Meet MDO Criteria			NCF				
HOUSING	CELL STATUS	CAMP, MSF, CCF, SAP, CCRC, REST. CENTER, & MCCF ELIGIBILITY							
180 Design (A1)	Double Cell	Camp Eligible: No VIO - LIF		CCF Eligible: No VIO - LIF		CCRC Eligible: No VIO - LIF			
		MSF Eligible: No VIO - LIF		SAP Eligible: No VIO - LIF		Rest. Center Eligible: No VIO - LIF			
		MCCF Eligible: No VIO - LIF							
FPTTP			HWD			JOB ASSIGNMENT			
US Citizen			None			Unassigned			

COMMITTEE MEMBERS

EXIBIT
Amend. 'C'

CALIFORNIA DEPARTMENT OF CORRECTIONS

NAME: SOLTERO

CDC #: K36340

BED: C-8-228U

COMMITTEE ACTION SUMMARY

CONTINUE BMU PROGRAM. CONTINUE STEP 1. CONTINUE CLO B CUSTODY, CONTINUE WG PG C/C EFFECTIVE 8/23/06, VOLUNTARY UNASSIGNED. DOUBLE CELL APPROVED, PSYCH IS CLEAR.

COMMITTEE'S COMMENTS

Inmate SOLTERO declined to appear before Salinas Valley State Prison's (SVSP's) Facility C Unit Classification Committee (UCC) today for his Program Review and therefore UCC was held in absentia. SOLTERO did receive his 72-hour notice for the purpose of this review.

UCC elected to conduct a 30 day review of Soltero's progress in the BMU program. Due to Administrative error Soltero was not seen within the 30 day time period as specified in OP 11C. However Soltero refused to attend today's Committee, and continue's to refuse to participate in the program. Soltero was received from Facility C, recommending BMU placement. Per Operational Procedure 11C states in part; #3. Organized Criminal Activity, any pattern of behavior, which indicates an individual's participation in organized criminal activity, shall be grounds for placement in the BMU program. Organized criminal activity is defined as behavior, which indicates an inmate's participation in a prison or street gang. Examples of this type of behavior include, but not limited to; Participating in gang related riots, Participating in gang related batteries or physical assaults, Distribution of property, material or items in an effort to generate revenue for the purpose of financing/furthering the prison gang or street gang's illegal activity, Evidence of attempts to recruit others to participate in prison gang or street gang's activity or Participating directly or indirectly in an misconduct that could be related to a specific type of gang behavior. Soltero received an RVR dated 5/3/02 for Participation in a Riot. According to the circumstances the Riot was between white and hispanic inmates. Per Operational Procedure 11 SHU Offense as outlined in CCR 3341.5. If an inmate has been found guilty of an offense for which a determinate term of confinement has been assessed, or is deemed to be a threat to the safety of others or the security of the institution, the inmate may be referred to a classification committee for placement in the BMU. This may be from general population (GP) or Administrative Segregation (ASU). Soltero received an RVR dated 7/5/04 for Battery on an Inmate with SBI division A1(3) offense and found guilty and received a 12 month SHU term. Soltero also received an RVR dated 5/3/02 for Active participation in a White/Hispanic Riot, a division d offense, found guilty and received a 4 month SHU term.

Based on this information inmate meets the criteria for BMU placement. Soltero has been informed of the steps for completion of the BMU program as well as being informed he will need to complete an available anger management program such as, Breaking Barriers, Cage your Rage or Framework for Recovery. Soltero was advised of the process for the reimplementation of his privileged/placement, which may be restored. Soltero's manner and verbal interaction with UCC on the issues of his case convinced this committee he fully understood without staff assistant's input. Soltero was advised of the process for the reimplementation of his privileged/placement, which may be restored. UCC informed Soltero he must remain disciplinary free during the entire program and complete the Individual Treatment Plan (ITP) as directed before being released from BMU. As part of Soltero's ITP, he was placed in **Cage Your Rage** - an Inmate's Guide to Anger Control helps offenders recognize their angry feelings, learn their causes, and deal with them in a responsible way. The book's easy-to-read style and workbook format make it an ideal self-study program for offenders and Narcotics Anonymous (NA) is a non-profit fellowship or society of men and women for whom drugs had become a major problem. There is only one requirement for membership, the desire to stop using. Soltero was advised of his right to appeal any decision/action, he does not agree within 30 days pursuant to CCR Title 15, Section 3084.1 There are no further classification concerns at this time and his next scheduled classification will be 30 day's from today's UCC action for program review.

Based upon a review of SOLTERO'S Central File and case factors committee elects to: Continue BMU Program. Continue Step 1. Continue CLO B Custody, Continue WG PG C/C Effective 8/23/06, Voluntary Unassigned. Double Cell Approved, PSYCH is Clear.

At the conclusion of this review, SOLTERO will be informed of his Appeal Rights with regards to this committee's actions.

INMATE CASE FACTORS

CUSTODY	PS/LEVEL	WG/PG & EFF. DATE	RELEASE DATE	GPL	RECLASS	AGE	ETHNIC	TERMER	NEXT BPT & DATE
CLOB	161/IV	CC - 8/23/2006	MEPD 2/24/2021	12 (R)	11/2/06	32	MEX	1st	IPCH 10/2018
RECEIVED	RECEIVED FROM & TYPE OF TX		RECEIVED CDC	COUNTY OF COMMITMENT		SENTENCE		RESTITUTION	
6/22/2004	CAL Non-Adverse		2/6/1997	San Diego		26 Years to Life		\$7700.00	
COMMITMENT OFFENSE									
1st Degree Murder									
PRIOR ARREST HISTORY		DISCIPLINARY HISTORY							
I/O		Willfully Obstructing/Delaying PO, Battery on an Inmate W/SBI, Delaying a Peace Officer in the performance of Duty, Refusing to Submit to Urinalysis, Possession of Dangerous Contraband, Flooding, Att to introduce contraband into Ad Seg, Participation in a Riot							
SEX OFFENSES			ARSON OFFENSES			ESCAPES			
Clear as of 10/2/2006			Clear as of 10/2/2006			Clear as of 10/2/2006			
ENEMIES		GANG/TIP			CONFIDENTIAL				
Noted on CDC 812 & CDC 812C		No Gang			Noted & Reviewed				
MEDICAL		TB - DATE 128C	DENTAL	DPP		SUBSTANCE ABUSE			
Full Duty		22 - 5/3/2006	3	N/A		Alcohol, Cocaine, Marijuana			
PSYCH			MDO			DDP			
Clear			Doesn't Meet MDO Criteria			NCF			
HOUSING	CELL STATUS		CAMP, MSF, CCF, SAP, CCRC, REST. CENTER, & MCCF ELIGIBILITY						
180 Design (A1)	Double Cell		Camp Eligible: No VIO - LIF		CCF Eligible: No VIO - LIF		CCRC Eligible: No VIO - LIF		
	2/22/2004		MSF Eligible: No VIO - LIF		SAP Eligible: No VIO - LIF		Rest. Center Eligible: No VIO - LIF		

EXHIBIT
Amend. 'D'

STATE OF CALIFORNIA
ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE
CDC 144-D (Rev 10/98)

DEPARTMENT OF CORRECTIONS

DISTRIBUTION:
WHITE - CENTRAL FILE
BLUE - INMATE (2ND COPY)
GREEN - ASU
CANARY - WARDEN
PINK - HEALTH CARE MGR
GOLDENROD - INMATE (1ST COPY)

Salinas Valley State Prison

Facility 'C'

INMATE'S NAME
Soltano

CDC NUMBER
K-36340

REASON(S) FOR PLACEMENT (PART A)

- ☒ PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
☐ JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
☒ ENDANGERS INSTITUTION SECURITY ☐ UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

You, Inmate Soltano (K-36340), were originally placed in Administrative Segregation Unit (ASU) based on the Institution's inability to determine the threat that you pose to inmates or staff, due to your refusal to participate in the interview process. An investigation was completed on 05-01-07, and it was determined that your refusal to participate in the interview process posed a threat to Facility "C" returning to normal program. You will be retained in ASU following the completion of the disciplinary process and pending transfer to an alternate institution. As a result of this retention, you are a threat the institutional security. As a result of this retention, your credit earning, custody, and visiting status are subject to change. Inmate Soltano [is] [is not] a participant in the Mental Health Services Delivery System. Retention ordered by Lieutenant J. Stevenson.

☐ CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL) ☐ IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /

DATE OF ASU PLACEMENT 5-8-07	SEGREGATION AUTHORITY'S PRINTED NAME J. Stevenson	SIGNATURE	TITLE Lieutenant
DATE NOTICE SERVED	TIME SERVED	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE	SIGNATURE
		STAFF'S TITLE	

☐ INMATE REFUSED TO SIGN INMATE SIGNATURE CDC NUMBER

ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the initial administrative review by Captain or higher by the first working day following placement

STAFF ASSISTANT (SA)

INVESTIGATIVE EMPLOYEE (IE)

STAFF ASSISTANT'S NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
IS THIS INMATE: LITERATE? <input type="checkbox"/> YES <input type="checkbox"/> NO FLUENT IN ENGLISH? <input type="checkbox"/> YES <input type="checkbox"/> NO ABLE TO COMPREHEND ISSUES? <input type="checkbox"/> YES <input type="checkbox"/> NO FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS? <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINING FIRST STAFF ASSISTANT ASSIGNED? <input type="checkbox"/> YES <input type="checkbox"/> NO Any "NO" requires SA assignment		EVIDENCE COLLECTION BY IE <u>UNNECESSARY</u> <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINED ANY INVESTIGATIVE EMPLOYEE <input type="checkbox"/> YES <input type="checkbox"/> NO ASU PLACEMENT IS FOR DISCIPLINARY REASONS <input type="checkbox"/> YES <input type="checkbox"/> NO DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO Any "NO" may require IE assignment	
<input type="checkbox"/> NOT ASSIGNED		<input type="checkbox"/> NOT ASSIGNED	

INMATE WAIVERS

☐ INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER ☐ INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
☐ NO WITNESSES REQUESTED BY INMATE INMATE SIGNATURE DATE

WITNESSES REQUESTED FOR HEARING

WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER

DECISION: ☐ RELEASE TO UNIT/FACILITY ☐ RETAIN PENDING ICC REVIEW ☐ DOUBLE CELL ☐ SINGLE CELL PENDING ICC
 REASON FOR DECISION:

ADMINISTRATIVE REVIEWER'S PRINTED NAME	TITLE	DATE OF REVIEW	TIME	ADMINISTRATIVE REVIEWER'S SIGNATURE
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)		DATE OF REVIEW

See Chronological Classification Review document (CDC 128-G) for specific hearing information

EXHIBIT

Amend. 'E'

Facility 'C'

CANARY - WARDEN
PINK - HEALTH CARE MGR
GOLDENROD - INMATE (1ST COPY)

CDC NUMBER 7-36340

See Chronological Classification Review document (CDC 128-G) for specific hearing information

EXHIBIT
Amend. 'F'

NAME: SOLTERO

CDCR #: K36340

BED: D-9-173L

COMMITTEE ACTION SUMMARY

REFER TO THE CSR FOR A SUBSEQUENT 45 DAY ASU EXTENSION TO COMPLETE THE DISCIPLINARY PROCESS FOR SOME NON-SHU'ABLE OFFENSES AND SUBSEQUENT TRANSFER. RETAIN IN ASU PENDING CSR REVIEW AND COMPLETION OF THE DISCIPLINARY PROCESS. CONTINUE SINGLE CELL AND WALK ALONE YARD. PSYCH IS CLEAR.

COMMITTEE'S COMMENTS

Inmate SOLTERO declined to appear before Salinas Valley State Prison's (SVSP's) Administrative Segregation Unit (ASU) Institutional Classification Committee (ICC) today for his Program Review and therefore ICC was held in absentia. SOLTERO did receive his 72-hour notice for the purpose of this review. According to SOLTERO'S CDC 114D, he was placed into SVSP's ASU on 5/8/2007 for: On 03/26/2007, the subject was placed into ASU pending completion an investigation. Subsequently, it was determined that the subject poses a significant threat and is being retained pending transfer to an alternate institution..

Based upon a review of SOLTERO'S CDC 114D, Central File, and case factors committee elects to: Refer to the CSR for a subsequent 45 day ASU extension to complete the disciplinary process for some non-SHU'able offenses and subsequent transfer. Retain in ASU pending CSR review and completion of the disciplinary process. Continue Single Cell and Walk Alone Yard. Psych is Clear.

At the conclusion of this review, SOLTERO will be informed of his Appeal Rights with regards to this committee's actions.

INMATE CASE FACTORS

CUSTODY	PS/LEVEL	WG/PG & EFF. DATE	RELEASE DATE	GPL	RECLASS	AGE	ETHNIC	TERMER	NEXT BPT & DATE								
MAX S	161/IV	D2D - 3/26/2007	MEPD 4/25/2021	12 (R)	3/1/2008	32	MEX	1st	IPCH 10/2018								
RECEIVED SVSP	RECEIVED FROM & TYPE OF TX		RECEIVED CDCR	COUNTY OF COMMITMENT		SENTENCE		RESTITUTION									
6/22/2004	CAL - Non-Adverse		2/6/1997	San Diego		26 Years to Life		\$7700.00									
COMMITMENT OFFENSE																	
1st Degree Murder																	
PRIOR ARREST HISTORY					DISCIPLINARY HISTORY												
I/O					Willfully Obstructing/Delaying PO, Battery on an Inmate W/SBI, Delaying a Peace Officer in the performance of Duty, Refusing to Submit to Urinalysis, Possession of Dangerous Contraband, Flooding, Att to introduce contraband into Ad-Seg, Participation in a Riot, Recurring failure to meet program expectations (PENDING), Willfully resisting a Peace Officer (PENDING)												
SEX OFFENSES			ARSON OFFENSES			ESCAPES											
Clear as of 2/5/2007			Clear as of 2/5/2007			Clear as of 2/5/2007											
ENEMIES			GANG/TIP			CONFIDENTIAL											
Noted on CDC 812 & CDC 812C			Southerner			Noted & Reviewed											
MEDICAL		TB - DATE 128C	DENTAL	DPP		SUBSTANCE ABUSE											
Full Duty		22 - 3/26/2007	3	N/A		Alcohol, Cocaine, Marijuana											
PSYCH		MDO			DDP		NCF										
Clear		Doesn't Meet MDO Criteria			NCF												
HOUSING	CELL STATUS		CAMP, MSF, CCF, SAP, CCRC, REST. CENTER, & MCCF ELIGIBILITY / VIO Review														
180 Design (A1)	Single Cell		Camp Eligible: No VIO - LIF			SAP Eligible: No VIO - LIF		MCCF Eligible: No VIO - LIF									
INTEGRATION	4/5/2007 Safety and security of the institution per ICC dated 4-5-07.		MSF Eligible: No VIO - LIF			CCRC Eligible: No VIO - LIF											
			CCF Eligible: No VIO - LIF			Rest. Center Eligible: No VIO - LIF		VIO Review Date:									
FPTTP			HWD			JOB ASSIGNMENT											
US Citizen			None			Unassigned											

COMMITTEE MEMBERS**MEMBERS**

CHAIRPERSON

R. Grounds, CDW (A)

G. Ponder, FC; J. Scaramozzino, Sr. Psychologist

RECORDER

V. Solis, CCII (Sup)

Committee Date: 7/5/2007

PROGRAM REVIEW (ABSENTIA)

Committee: ICC

Typed By: - Distribution: C-File & Inmate

SALINAS VALLEY STATE PRISON

Classification Chrono CDCR 128G (Rev: 4/07)

EXHIBIT
Amend 'G'

OK

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	RELEASE/BOARD DATE	INST. S.V.S.P.	HOUSING NO. C8-225	LOG NO. 107-03-0024
VIOLATED RULE NO(S). C.C.R. §3007	SPECIFIC ACTS Disorderly Conduct	LOCATION Fac "C" Build. 8	DATE 03-23-07	TIME 1230 Hrs.	

CIRCUMSTANCES On March 23, 2007, Inmate SOLTERO, (K-36340, C8-223), was "inciting", SOLTERO challenged the legality to the Behavior Modification Unit (BMU) program. During my initial meeting with Inmate HART, seated in the dayroom, SOLTERO began shouting through his cell door to Inmate SNEEDE about how the BMU program and curriculum were unlawful. SOLTERO adamantly went on to say that the book, "The Epictetus Club" was "Full of shit". Afterwards, he loudly shouted, "Fuck Epictetus!" SOLTERO is currently housed in the Behavior Modification Unit (BMU) for Organized Criminal Gang activity. Per the California Code Regulations, Title 15, SOLTERO is in violation of Section 3005(c) for willfully attempting to incite SNEEDE and other inmates to challenge the legality of the BMU program. In addition to inciting inmates, SOLTERO is in violation of Section 3005(a) for disobeying regulations, procedures and participating in an insightful manner that could lead to disorder;

(Con't See CDC-115-C)

Inmate SOLTERO [is not] a participant in the Mental Health Services Delivery System and is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) R. Mott, BMU Facilitator <i>RMS</i>	DATE 3-27-07	ASSIGNMENT BMU	RDO'S
REVIEWING SUPERVISOR'S SIGNATURE <i>[Signature]</i>	DATE 3-27-07	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: E 31-60	DATE 3/28/07	CLASSIFIED BY (Typed Name and Signature) T. Seiby / <i>[Signature]</i>
HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC		COPIES GIVEN INMATE BEFORE HEARING	
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE 04/04/07	TIME 2000
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE 07/23/07	TIME 1800

HEARING

Plea: The charges were read aloud as written to Inmate Soltero, who acknowledged understanding the charges and who entered a plea of Not Guilty.

Findings: Inmate Soltero was found Not Guilty of violating CCR§ 3007; specifically, "Disorderly Conduct," a Division "E" offense (CCR§ 3323(g)(7)).

Disposition: Dismissed in the interest of justice.

Additional Disposition: None.

Classification Referral: Referred to UCC for program review.

Disposition continued on CDC 115C

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME) J. Celaya, Lieutenant	SIGNATURE <i>[Signature]</i>	DATE 7/12/07	TIME 1505
REVIEWED BY: (SIGNATURE) G. Ponder, Captain <i>[Signature]</i>	DATE 7/12/07	CHIEF DISCIPLINARY OFFICER'S SIGNATURE M. Moore <i>[Signature]</i>	DATE 7/18/07
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE 07/23/07	TIME 1800

CDC 115 (7/88)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

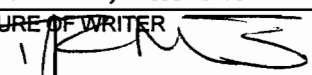
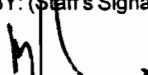
PAGE ____ OF ____

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	LOG NUMBER 07-03-0024	INSTITUTION S.V.S.P.	TODAY'S DATE 03-23-07
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

con't..and (b) for disobeying verbal instructions from the BMU Facilitator. R. Mott, to program in "Cage Your Rage": An inmates Guide to Anger Control, as outlined in his ITP. Recently, on March 21, 2007, SOLTERO refused to program when instructed. He cited that he would not program as long as he had to sign the Behavior Modification Unit (BMU) Step Process, Privilege and Expectation chrono. Likewise, SOLTERO was issued a CDC-115 for, "Recurring Failure to Meet Program Expectations". on January 11, 2007, SOLTERO refused to attend several UCC hearings on March 07, 2007 and February 06, 2007, as scheduled. SOLTERO'S incitefulness is detrimental to the success of the BMU program and to the BMU inmates that choose to program in an effort to modify their thinking and behavior. SOLTERO'S presence in the BMU program and primarily in C8 "C" Pod, remains dysfunctional and presents a clear and present danger to the BMU staff and correctional officer charged with conducting an orderly and functional learning environment.

INMATE COPY

R. Mott, BMU Facilitator

SIGNATURE OF WRITER 		DATE SIGNED 3-27-07	
<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature) 	DATE SIGNED 04/06/07	TIME SIGNED 2000

SERIOUS RULES VIOLATION - PORT

CDC NUMBER*	INMATE'S NAME	VIOLATED RULE NO(S).	DATE	INSTITUTION	LOG NO.
K-36340	SOLTERO	C.C.R. §3005(b)	03-23-07	S.V.S.P.	07-03-0024

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ▶ N/A	DATE

STAFF ASSISTANT

STAFF ASSISTANT	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	▶	
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNMC PER TITLE IS 3315(b)	

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE	INMATE'S SIGNATURE	DATE
<input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	▶ <i>[Signature]</i>	4/6/07
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input type="checkbox"/> NOT ASSIGNED	REASON	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input type="checkbox"/> NONE
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		
GRANTED <input type="checkbox"/> NOT GRANTED <input type="checkbox"/>		GRANTED <input type="checkbox"/> NOT GRANTED <input type="checkbox"/>		

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ▶ <i>[Signature]</i>	INVESTIGATOR'S SIGNATURE ▶	DATE 2000	DATE 04/06/07
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• STATE OF CALIFORNIA
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 1

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	LOG NUMBER C07-03-0024	INSTITUTION SVSP	TODAY'S DATE 04-16-07
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☐ SUPPLEMENTAL ☐ CONTINUATION OF: ☐ CDC 115 CIRCUMSTANCES ☐ HEARING ☒ I.E. REPORT ☐ OTHER

On 04-10-07, I was assigned as Investigative Employee for CDC-115 Rules Violation Report, Log Number C07-03-0024. I advised Inmate SOLTERO of my assignment and informed him that as the Investigative Employee, my duties are to act as a fact finder for the Senior Hearing Officer. Inmate SOLTERO acknowledged that he understood my role as the Investigative Employee and has indicated no objections to my assignment in this capacity. My report is as follows:

Defendants Statement: On this date, 04-14-07, I conducted an interview with Inmate - **SOLTERO (K 36340)** regarding the charged offense. Inmate SOLTERO provided me with the following questions: "I wasn't yelling out about the BMU Program and I want to know what R. Mott has to say and if his statement is true, about me being dysfunctional and presenting clear and present danger to staff and the BMU program, and if I can have an absentia UCC hearing because of my chronic asthma."

Reporting Employee's Statement:: On this date, 04-16-07, I interviewed the reporting employee, BMU Coordinator R. Mott regarding the charges and his recollection of the events of that day. BMU Coordinator Mott offered the following statement, "Inmate SOLTERO was being disruptive on the day stated in my report and has been given several opportunities to program. He was yelling out about the, 'Epictetus club' saying its full of shit. SOLTERO'S inability to program in the BMU has been a nuisance."

Inmate Witness Statement: On this date, 04-14-07, I interviewed Inmate **SNEEDE (J-37911)** regarding the charges and his recollection of the events of that day and Inmate SNEEDE offered the following statement, "I don't know anything about that."


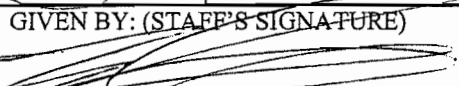
H.A.R

Inmate Witness Statement: On this date, 04-16-07, I interviewed Inmate **HART (H-88709)** regarding the charges and his recollection of the events of that day and Inmate SNEEDE offered the following statement, "I didn't hear SOLTERO yelling about the B.M.U. program".

Investigative Employee's Summation: On 04-16-07, I was assigned to perform the duties of the Investigative Employee for RVR Log # C07-03-0024. I interviewed Inmates SNEEDE and HART and both inmates stated that either had any knowledge concerning SOLTERO'S RVR. I also interviewed all staff and inmates concerning this RVR.

Inmate SOLTERO requested that Inmates HART and SNEEDE be present at the RVR Hearing.
Inmate SOLTERO did not request that any evidence be produced at the hearing at the time of this report.

This matter is not a D.A. Referral. Inmate SOLTERO was not placed in Ad/Seg pending the adjudication of this Rules Violation Report.

SIGNATURE OF WRITER M. Nicholson 		TITLE Correctional Officer		DATE NOTICE SIGNED 4-16-07	
COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 4-16-07	TIME SIGNED: 1600

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 1 OF 1

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	LOG NUMBER C07-03-0024	INSTITUTION SVSP	TODAY'S DATE 04-16-07
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input checked="" type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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On 04-10-07, I was assigned as Investigative Employee for CDC-115 Rules Violation Report, Log Number C07-03-0024. I advised Inmate SOLTERO of my assignment and informed him that as the Investigative Employee, my duties are to act as a fact finder for the Senior Hearing Officer. Inmate SOLTERO acknowledged that he understood my role as the Investigative Employee and has indicated no objections to my assignment in this capacity. My report is as follows:

Defendants Statement: On this date, 04-14-07, I conducted an interview with Inmate - **SOLTERO (K 36340)** regarding the charged offense. Inmate SOLTERO provided me with the following questions: "I wasn't yelling out about the BMU Program and I want to know what R. Mott has to say and if his statement is true, about me being dysfunctional and presenting clear and present danger to staff and the BMU program, and if I can have an absentia UCC hearing because of my chronic asthma."

Reporting Employee's Statement: On this date, 04-16-07, I interviewed the reporting employee, BMU Coordinator R. Mott regarding the charges and his recollection of the events of that day. BMU Coordinator Mott offered the following statement, "Inmate SOLTERO was being disruptive on the day stated in my report and has been given several opportunities to program. He was yelling out about the, 'Epictetus club' saying its full of shit. SOLTERO'S inability to program in the BMU has been a nuisance."


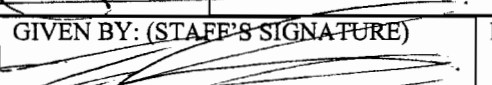
Inmate Witness Statement: On this date, 04-14-07, I interviewed Inmate **SNEEDE (J-37911)** regarding the charges and his recollection of the events of that day and Inmate SNEEDE offered the following statement, "I don't know anything about that."

Inmate Witness Statement: On this date, 04-16-07, I interviewed Inmate **HART (H-88709)** regarding the charges and his recollection of the events of that day and Inmate SNEEDE offered the following statement, "I didn't hear SOLTERO yelling about the B.M.U. program".

Investigative Employee's Summation: On 04-16-07, I was assigned to perform the duties of the Investigative Employee for RVR Log # C07-03-0024. I interviewed Inmates SNEEDE and HART and both inmates stated that either had any knowledge concerning SOLTERO'S RVR. I also interviewed all staff and inmates concerning this RVR.

Inmate SOLTERO requested that Inmates HART and SNEEDE be present at the RVR Hearing. Inmate SOLTERO did not request that any evidence be produced at the hearing at the time of this report.

This matter is not a D.A. Referral. Inmate SOLTERO was not placed in Ad/Seg pending the adjudication of this Rules Violation Report.

SIGNATURE OF WRITER M. Nicholson 		TITLE Correctional Officer		DATE NOTICE SIGNED 4-16-07	
COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 4-16-07 TIME SIGNED: 1600	

RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER C07-03-0024	INSTITUTION SVSP	TODAY'S DATE 07-10-07
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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Hearing: Hearing commenced on 07-10-07 at 1030 hours.

Inmate's Health: Inmate Soltero stated that his health was good and that he was prepared to proceed with the hearing. I introduced myself as the SHO and explained the hearing procedures.

MHSDS: Inmate Soltero is not a participant in the Mental Health Services Delivery System.

Date of discovery: 03-23-07

Initial RVR copy issued on: 04-06-07

Hearing Completed on: 07-10-07

Last document issued to inmate on: 04-06-07

D.A. Postponed date: N/A

Date D.A. results issued: N/A

Time Constraints: All time constraints have not been met pursuant to CCR§ 3320. Hearing was not held within 30 days of RVR being issued. Inmate Soltero acknowledged receiving all documents used for this hearing 24 hours prior to the hearing.

Staff Assistant (SA): Inmate Soltero (has HSD) does not meet the criteria for the assignment of a staff assistant per CCR§ 3315.

Investigative Employee (IE): Inmate Soltero does meet the criteria for the assignment of an Investigative Employee per CCR§ 3315. Officer M. Nicholson was assigned. Officer Nicholson interviewed Inmate Soltero as a part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate Soltero and follow up questions posed by the IE for clarification purposes. Office Nicholson prepared his report, to include his summation of the facts, and provided a copy of the report to inmate Soltero more than 24 hours prior to this hearing.

D.A. Referral: This matter was not referred to the Monterey County Attorney's Office.

Evidence Requested or Used: Inmate Soltero did not request that evidence be produced for this hearing at the time of the IE report or at the time he was issued a copy of the CDC-115A.

Video Tape Evidence: No video tape evidence was utilized in the adjudication or fact finding process of this CDC-115 Rules Violation Report.

Inmate Plea and Statement: Inmate Soltero entered a plea of "Not Guilty," stating, "I have never been in cell 223. I have always been in cell 225."

Witnesses Requested or Provided: Inmate Soltero requested that Inmates Hart and Sneede (J-37911, C8-131U) be present as witnesses for the hearing. SHO denied both witnesses due to the RVR being dismissed.

Witness Testimony at Hearing: No witnesses were requested or granted by the SHO.

Confidential Information: Confidential information was not used in the adjudication of this 115.

Findings: Inmate Soltero is found **not guilty** of the charged offense of violating CCR§ 3007; for the specific act of, "Disorderly Conduct," a Division "E" offense (CCR§ 3323(g)(7)). The evidence used to render this finding included:

- 1.) A review of Inmate Soltero's housing indicates that he has been housed in C8-225. Inmate was identified as being in C8-223, however, on the date of the incident he was housed in C8-225.

SIGNATURE OF WRITER J. Celaya	TITLE Correctional Lieutenant	DATE NOTICE SIGNED 7/12/07
COPY OF CDC-115-C GIVEN TO INMATE	GIVEN BY: (STAFF'S SIGNATURE)	DATE/SIGNED: 07/23/07
		TIME SIGNED: 1800

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER C07-03-0024	INSTITUTION SVSP	TODAY'S DATE 07-10-07
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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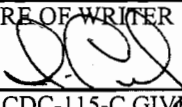
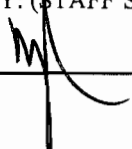
Base on the aforementioned facts, this SHO finds the preponderance of the evidence **has not** been met to render and sustain a finding of guilt on the charged offense of violating CCR§ 3007; specifically, "Disorderly Conduct," a Division "E" offense (CCR§3323 (g)(7)).

Additional Disposition: None.

Enemy Concerns: There are no enemy concerns related to this disciplinary hearing.

Appeal Rights: Inmate Soltero was advised that the disposition of this Rules Violation Report would not become final until approved by the Chief Disciplinary Officer at which time he will receive a final copy of the completed CDC-115. He was also advised of his rights to appeal the findings of this hearing, the methods of appealing, and credit restoration rights pursuant to CCR§ 3327 & 3328, governing the restoration of forfeited credits.

INMATE COPY

SIGNATURE OF WRITER J. Celaya 	TITLE Correctional Lieutenant	DATE NOTICE SIGNED 7/12/07
COPY OF CDC-115-C GIVEN TO INMATE	GIVEN BY: (STAFF'S SIGNATURE) 	DATE SIGNED: 07/23/07
		TIME SIGNED: 1800

SERIOUS RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	VIOLATED RULE NO(S). C.C.R. §3005(b)	DATE 03-23-07	INSTITUTION S.V.S.P.	LOG NO. 9.3.2007
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ▶ N/A	DATE

STAFF ASSISTANT

<input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON ONLY		

INVESTIGATIVE EMPLOYEE

<input checked="" type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE 3/23/07
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input type="checkbox"/> NOT ASSIGNED	REASON		

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

GRANTED	NOT GRANTED
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

GRANTED	NOT GRANTED
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

<input type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ▶	INVESTIGATOR'S SIGNATURE ▶	DATE
	TIME	DATE	

EXHIBIT Amend. 'H'

- 'H-1' Mott, RVR 115# C07-01-0014;
- 'H-2' Solis, RVR 115# C06-10-0017;
- 'H-3' Chavez, RVR 115# C06-12-0047;
- 'H-4' Pender, 128B;
- 'H-5' Nilsson, 128A.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	RELEASE/BOARD DATE	INST. S.V.S.P.	HOUSING NO. C8-225	LOG NO. C07-01-0014
VIOLATED RULE NO(S): C.C.R. §3005(b)		SPECIFIC ACTS Recurring failure to Meet Program Expectations	LOCATION Fac "C"	DATE 01/11/07	TIME

CIRCUMSTANCES

Inmate SOLTERO, (K-36340, C8-225), has refused to sign the BMU Privileges & Expectation form as part of his placement in Behavior Modification Unit (BMU). SOLTERO refuses to participate in Cage Your Page as outlined in his Individual Treatment Plan (ITP) and Operational Procedure 11-C and therefore, has failed to meet expectations in the BMU program. SOLTERO has been instructed numerous times to sign the BMU Privileges & Expectations form and to program. He has consistently declined and informed me that he would contact me when he is ready to program. Specifically, SOLTERO was instructed to program on 12/21/06, and subsequently on January 08, 2007. SOLTERO has received a CDC-115 for the same offense. SOLTERO has received a CDC-115 for the same offense on 12/26/06

Inmate SOLTERO [is] [is not] a participant in the Mental Health Services Delivery System and is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) R. Molt, BMU Facilitator		DATE 1/17/2007	ASSIGNMENT	RDO'S
REVIEWING SUPERVISOR'S SIGNATURE		DATE	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION:	DATE	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO <input type="checkbox"/> HO <input checked="" type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING				
<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)

HEARING

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME

CDC 115 (7/88)

SERIOUS RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLTER	VIOLATED RULE NO(S). CCP§3005 (b)	DATE 1-11-07	INSTITUTION S.V.S.P.	LOG NO. 007-01-0014
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 REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO
POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE N/A	DATE

STAFF ASSISTANT

<input type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input type="checkbox"/> NOT ASSIGNED	REASON		

INVESTIGATIVE EMPLOYEE

<input checked="" type="checkbox"/> REQUESTED	<input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF	
<input type="checkbox"/> NOT ASSIGNED	REASON		

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input type="checkbox"/> NONE
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)				
GRANTED <input type="checkbox"/>		NOT GRANTED <input type="checkbox"/>		
GRANTED <input type="checkbox"/>		NOT GRANTED <input type="checkbox"/>		
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)				
GRANTED <input type="checkbox"/>		NOT GRANTED <input type="checkbox"/>		
GRANTED <input type="checkbox"/>		NOT GRANTED <input type="checkbox"/>		

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

<input type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE)	INVESTIGATOR'S SIGNATURE	DATE
		TIME	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE ____ OF ____

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	LOG NUMBER C07-01-0014	INSTITUTION S.V.S.P.	TODAY'S DATE 01/28/07
<input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				


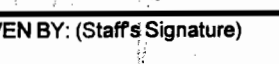
On 01-28-07, I was assigned as Investigative Employee for CDC 115 Rules Violation Report, log number C07-01-0014. I advised Inmate SOLTERO of my assignment and informed him that as the Investigative Employee, my duties are to act as a fact finder for the Senior Hearing Officer. Inmate SOLTERO acknowledged that he understood my role as the Investigative Employee and has indicated no objections to my assignment in this capacity. My report is as follows:

Defendant's Statement: On this date, 01-28-07, I conducted an interview with Inmate SOLTERO (K-36340) regarding the charged offense. Inmate SOLTERO offered the following statement, "I don't want one."

Reporting Employee's Statement: On this date, 01-29-07, I interviewed the reporting employee, Officer R. Mott, regarding the charges and his recollection of the events of that day. Officer R. Mott offered the following statement, "SOLTERO continues not to sign or program, refuses to participate in the RMU program. SOLTERO has been instructed numerous times to sign RMU privileges and expectations."

Investigative Employee's Summation: Inmate SOLTERO did not refuse me as Investigative Employee on 01/28/07. SOLTERO did not want to comment on the CDC-115. RMU Facilitator R. Mott stated that all information was in the CDC-115"

J. Mora, Correctional Officer

<input type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER 	DATE SIGNED 01/28/07	
	GIVEN BY: (Staff's Signature) 	DATE SIGNED 01/28/07	TIME SIGNED

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

MEPD

CDC NUMBER K-36340	INMATE'S NAME Soltero	RELEASE/BOARD DATE 2/24/2021	INST. S.V.S.P.	HOUSING NO. FC-BB-228	LOG NO. 006-10-0017
VIOLATED RULE NO(S). 3005(b)		SPECIFIC ACTS Recurring Failure to Meet Program Expectations	LOCATION Fac 'C' Committee Room	DATE 10-02-06	TIME
CIRCUMSTANCES					

On August 23, 2006, you were seen by the Unit Classification Committee (UCC) and placed in the Behavior Modification Unit (BMU). You were advised of the program's expectations. Soltero refused to participate by refusing to sign the CDC 128-B privileges and expectations form. Based on this, you received a CDC 128-A Custodial Counseling Chrono. On October 2, 2006, you were seen by U.C.C. regarding the BMU treatment program and your willingness to participate. However, You refused to participate in the Behavior Modification Unit program again. Based on this, you are clearly deemed a failure of the BMU program. Therefore, you are being issued this Rules Violation Report for recurring failure to meet program expectations. You are instructed to comply with the BMU program expectations. Continued failure to successfully program will result in further disciplinary action.

Inmate Soltero is not a participant in the MHSOS at the CCMS level of care and is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) V. Solis, Correctional Counselor II		DATE 10/10/06	ASSIGNMENT Fac. 'C' CCH	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE 		DATE 10/10/06	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: 1916/06	DATE 10/10/06	CLASSIFIED BY (Typed Name and Signature) JC	HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC
COPIES GIVEN INMATE BEFORE HEARING				
<input type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) 	DATE 10/10/06	TIME 1600	TITLE OF SUPPLEMENT 1. BAW CHAND
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) 	DATE	TIME	BY: (STAFF'S SIGNATURE)

HEARING

Plea: The charges were read aloud as written to Inmate Soltero, who acknowledged understanding the charge and entered a plea of Not Guilty.

Findings: Inmate Soltero was found **Guilty** of violating OCR§ 3005(b); specifically, "Recurring Failure to Meet Program Expectations," a Division 'F' offense (OCR§ 3323(h)(3)).

Disposition: Assessed 30 days forfeiture of behavioral credits, consistent with a Division 'F' offense (OCR§ 3323(h)(3)); Inmate was counseled and reprimanded.

Classification: Referred to UCC for program review.

Disposition continued on CDC 115-C

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME) E. Moore, Lieutenant	SIGNATURE 	DATE 11/7/07	TIME 1945
REVIEWED BY: (SIGNATURE) G. Ponder, Captain	DATE 11/9/07	CHIEF DISCIPLINARY OFFICER'S SIGNATURE M. Moore	DATE 11/29/07
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) 	DATE 01/29/07	TIME 1800

CDC 115 (7/88)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER C06-10-0017	INSTITUTION SVSP	TODAY'S DATE 12-14-06
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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Hearing: This hearing commenced on 12-14-06 at 2015 hours

Inmate's Health: Inmate Soltero stated his health was good and that he was ready to proceed with the hearing. I introduced myself as the SHO and explained the hearing procedures.

MHSDS: Inmate Soltero is not a participant in the Mental Health Services Delivery System.

Date of discovery: 10-02-06

Initial RVR copy issued on: 10-16-06

Hearing Completed on: 12-14-06

Last document issued to inmate on: 11-13-06

D.A. Postponed date: N/A

D.A. result issued: N/A

Time Constraints: All time constraints have been met pursuant to CCR§ 3320. On 11-15-06, Inmate Soltero postponed the hearing pending outcome of appeal with Sacramento (log# SVSP-05-04744) as noted by his signature on the CDC 115A. Inmate Soltero acknowledged receiving all documents used for this hearing 24 hours prior to the hearing.

Staff Assistant (SA): Inmate Soltero (GPL HSD) does not meet the criteria for the assignment of a staff assistant per CCR§3315.

Investigative Employee (IE): Inmate Soltero requested and does meet the criteria for the assignment of an Investigative Employee. Officer J. Valdez was assigned. Officer J. Valdez interviewed Inmate Soltero as a part of the investigative process, gathered information from witnesses, asking each witness specific questions posed by Inmate Soltero and follow up questions posed by the IE for clarification purposes. Office J. Valdez prepared his report, to include his summation of the facts, and provided a copy of the report to inmate Soltero more than 24 hours prior to this hearing.

D.A. Referral: This matter was not referred to the Monterey County Attorney's Office.

Evidence Requested or Used: Inmate Soltero did not request that evidence be produced for this hearing at the time of his IE report or at the time he was issued a copy of the CDC-115A.

Video Tape Evidence: No video tape evidence was utilized in the adjudication or fact finding process of this CDC-115 Rules Violation Report.

Inmate Plea and Statement: Inmate Soltero entered a plea of, "Not Guilty" stating, "I based my decision not to sign and participate in the BMU Program based on a previous appeal decision made by Inmate Appeals Branch on Appeal #05-09-161 and additional mail correspondence from the Office of Administrative Law with T. Lockwood."



Witnesses Requested or Provided: Inmate Soltero did not request that any staff or inmate witnesses be produced for this hearing.

Witness Testimony at Hearing: Questions from SHO for Inmate Soltero:

Q1) Would you be willing to participate in the BMU Program if you were not required to sign the CDC 128-B?

A1) "No. I refuse to participate in any program or sign any documentation that attaches my name to Organized Criminal/Gang Activity."

Confidential Information: Confidential information was not used in the adjudication of this 115.

SIGNATURE OF WRITER E. Moore 		TITLE Correctional Lieutenant		DATE NOTICE SIGNED 11/17/07	
COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 01/29/07	
				TIME SIGNED: 1800	

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER C06-10-0017	INSTITUTION SVSP	TODAY'S DATE 12-14-06
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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Findings: Inmate Soltero is found guilty of the charged offense of violating CCR§ 3005(b); for the specific act of, "Recurring Failure to Meet Program Expectations," a Division 'F' offense (CCR§ 3323(h)(3)). The evidence used to render this finding included:

- 1.) Rules Violation Report authored by Correctional Officer V. Solis, which states in part, "On August 23, 2006, you were seen by the Unit Classification Committee (UCC) and placed in the Behavior Modification Unit (BMU). You were advised of the program's expectations. Soltero refused to participate by refusing to sign the CDC 128-B privileges and expectations form. Based on this, you received a CDC 128-A Custodial Counseling Chrono. On October 2, 2006, you were seen by U.C.C. regarding the BMU treatment program and your willingness to participate. However, you refused to participate in the Behavioral Modification Unit program again. Based on this, you are clearly deemed a failure of the BMU program..."
- 2.) Soltero argues that he should not be punished for refusing to sign the BMU Program documentation based on previous appeals which have been granted which basically state that inmates can't be punished for refusing to sign document. The RVR states that Soltero refused to sign a BMU Program CDC 128-B but the actual violation in the RVR is "Recurring Failure to Meet Program Expectations" noted as the specific act. On 9/23/06, Soltero was placed in the BMU Program, based on specific case factors, by a Unit Classification Committee (UCC). On 9/23/06, Soltero refused to participate in the BMU Program. On 10/2/06, Soltero was brought back before UCC and again refused to participate in the BMU Program. UCC placed Soltero in the BMU Program and has clearly set forth the program expectations. Soltero has repeatedly refused to participate in the BMU Program, to include Soltero's refusal during this hearing, as expected.
- 3.) Partial admission in Soltero's testimony during the hearing in which Inmate Soltero stated, "I refuse to participate in any program or sign any documentation that attaches my name to Organized Criminal/Gang Activity."

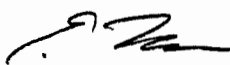

Base on the aforementioned facts, this SHO finds the preponderance of the evidence has been met to render and sustain a finding of guilt on the charged offense of violating CCR§ 3005(b); specifically, "Recurring Failure to Meet Program Expectations," a Division 'F' offense (CCR§3323 (h)(3)).

Additional Disposition: None.

Enemy Concerns: There are no enemy concerns related to this disciplinary hearing.

Appeal Rights: Inmate Soltero was advised that the disposition of this Rules Violation Report would not become final until approved by the Chief Disciplinary Officer at which time he will receive a final copy of the completed CDC-115. He was also advised of his rights to appeal the findings of this hearing, the methods of appealing, and credit restoration rights pursuant to CCR§ 3327 & 3328, governing the restoration of forfeited credits.

NOTE:
ASSIGNMENT OFFICE
PROCEDURE CIRCUMVENTED?

SIGNATURE OF WRITER E. Moore 		TITLE Correctional Lieutenant		DATE NOTICE SIGNED 1/17/07	
COPY OF CDC-115-C GIVEN TO INMATE	GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 01/29/07	TIME SIGNED: 1800	

STATE OF CALIFORNIA
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 1

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER C06-10-0017	INSTITUTION SVSP	TODAY'S DATE 11-08-06
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input type="checkbox"/> HEARING	<input checked="" type="checkbox"/> E REPORT
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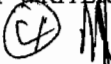
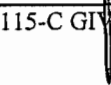
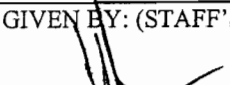
On 11-08-06, I was assigned as Investigative Employee for CDC-115 Rules Violation Report, Log Number C06-10-0017. I advised Inmate Soltero of my assignment and informed him that as the Investigative Employee, my duties are to act as a fact finder for the Senior Hearing Officer. Inmate Soltero acknowledged that he understood my role as the Investigative Employee and has indicated no objections to my assignment in this capacity. My report is as follows:

Defendants Statement: On this date, 11-08-06, I conducted an interview with Inmate Soltero (CDC# K-36340) regarding the charged offense. Inmate Soltero offered the following statement, "Per Sacramento's response I, Inmate Soltero cannot be punished for refusing to sign interview forms and a copy was sent to the Warden and another to the Appeals Coordinator. This is all I have to say."

Reporting Employee's Statement: On this date, 11-08-06, I interviewed the reporting employee, V. Solis, regarding the charges and his/her recollection of the events of that day. CCII Solis offered the following statement, "That Inmate Soltero clearly is deemed a failure of the BMU Program."

Investigative Employee's Summation: On 11-08-06, Inmate Soltero told me that he sent copies of his interview forms to the Warden and Appeals Coordinator and stated, "and that's all I have to say." Soltero did not have any other staff or inmate witnesses to add.

Inmate Soltero did not request any staff or inmate witnesses be present for the hearing at the time of this report.
Inmate Soltero did not request any evidence be produced for the hearing at the time of this report.

SIGNATURE OF WRITER J. Valdez 		TITLE Correctional Officer		DATE NOTICE SIGNED 11/9/06	
COPY OF CDC-115-C GIVEN TO INMATE 		GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 11/13/06	TIME SIGNED: H30

CDC NUMBER K36340	INMATE'S NAME Soltero	VIOLATED RULE NO(S). 3005(b)	DATE 10-02-06	INSTITUTION S.V.S.P.	LOG NO. C06-10-0017
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE

DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ▶ N/A

STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DNAC PER TITLE 15 CCR 3315 HSD	

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶ IM REFUSES TO SIGN	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input type="checkbox"/> NOT ASSIGNED	REASON	

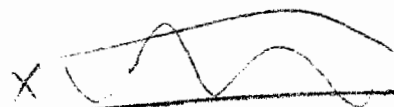
EVIDENCE/INFORMATION REQUESTED BY INMATE:

WITNESSES


WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)					
<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE	
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	
		<input type="checkbox"/>	<input type="checkbox"/>		
		<input type="checkbox"/>	<input type="checkbox"/>		

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

I IM SOLTERO CDC# K36340 AM REQUESTING TO POSTPONE MY HEARING TILL DECEMBER 15 PENDING AN LOB APPEAL PENDING WITH SACRAMENTO (LOB# SUSP-05-04744)

X 

DATE: 11/15/06

<input type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ▶ 	INVESTIGATOR'S SIGNATURE ▶	DATE 10/16/06
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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME Soltzro	RELEASE/BOARD DATE	INST. S.V.S.P.	HOUSING NO. FC-88-228	LOG NO. CD6-10-0017
VIOLATED RULE NO(S). 3005(b)		SPECIFIC ACTS Recurring Failure to Meet Program Expectations	LOCATION Fac 'C' Committee Room	DATE 10-02-06	TIME
CIRCUMSTANCES					

On August 23, 2006, you were seen by the Unit Classification Committee (UCC) and placed in the Behavior Modification Unit (BMU). You were advised of the program's expectations. Soltzro refused to participate by refusing to sign the CDC 128-B privileges and expectations form. Based on this, you received a CDC 128-A Custodial Counseling Caring. On October 2, 2006, you were seen by U.C.C. regarding the BMU treatment program and your willingness to participate. However, You refused to participate in the Behavior Modification Unit program again. Based on this, you are clearly deemed a failure of the BMU program. Therefore, you are being issued this Rules Violation Report for recurring failure to meet program expectations. You are instructed to comply with the BMU program expectations. Continued failure to successfully program will result in further disciplinary action.

Inmate Soltzro is not a participant in the MARS at the CDCS level of care and is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature) V. Solis, Correctional Counselor II		DATE	ASSIGNMENT Fac 'C' CCH	RDO'S S/S
REVIEWING SUPERVISOR'S SIGNATURE		DATE	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS		OFFENSE DIVISION:	DATE	LOC.
CLASSIFIED BY (Typed Name and Signature)		HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC		
COPIES GIVEN INMATE BEFORE HEARING				
<input type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)

HEARING

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME

CDC 115 (7/88)

CDC NUMBER K36340	INMATE'S NAME Soltero	VIOLATED RULE NO(S). 3005(b)	DATE 10-02-06	INSTITUTION S.V.S.P.	LOG NO. C06-10-0017
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶	DATE
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<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶	DATE
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DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION
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<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ▶	DATE
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STAFF ASSISTANT

STAFF ASSISTANT <input checked="" type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
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<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
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<input type="checkbox"/> NOT ASSIGNED	REASON 78.3
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INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
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<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
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<input type="checkbox"/> NOT ASSIGNED	REASON
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EVIDENCE/INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)				
<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER _____	<input type="checkbox"/> NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

<input type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ▶	TIME	INVESTIGATOR'S SIGNATURE ▶	DATE
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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	RELEASE/BOARD DATE 4/4/07	INST. S.V.S.P.	HOUSING NO. C8-225	LOG NO. C8-17-07
VIOLATED RULE NO(S) C.C.R. §3005(b)		SPECIFIC ACTS Recurring Failure to Meet Program Expectations	LOCATION Fac "U" Build. 8	DATE 12/26/06	TIME 1030 Hrs.

CIRCUMSTANCES On 12/22/06, at approximately 1030 hours, you Inmate SOLTERO, (K-36340, C8-225), failed to participate in the facility interviews. Interviews are designed to gather information and assist the administration with returning the facility to a normal program. By failing to interview the administration is unable to determine the threat you pose to other inmates or staff and or having any information relative to the incident (criminal gang activity which occurred) that requires the interview process per D.O.M. 55015 (Unlock Protocol). Based on this, it appears that you are promoting the activity or organized criminal/gang/disruptive group activity, which occurred that required an investigation/interview process to be implemented. As a general population inmate, you are expected to comply with departmental policy, rules and regulations as well as institutional procedures. State and Federal Laws. By failing to participate in the interview process, you are willfully indicating that you may have information and could actively be participating and promoting in organized criminal gang/disruptive group activity. You were non-receptive to counseling. On 12/25/06, you were instructed to interview and again failed to comply. Based on the nature of the incident your refusal to participate in the review process, you are promoting organized criminal gang/disruptive group activity. You are instructed to comply with the interview process. Failure to do so will continue to result in progressive discipline. Inmate SOLTERO [is] [is not] a participant in the Mental Health Services Delivery System.

REPORTING EMPLOYEE (Typed Name and Signature) B. Chavez, Correctional Officer	DATE 1/4/07	ASSIGNMENT C8 Floor Officer	RDO'S T/F
REVIEWING SUPERVISOR'S SIGNATURE 	DATE 1/4/07	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> SERIOUS	OFFENSE DIVISION: F	DATE 1/4/07	CLASSIFIED BY (Typed Name and Signature) [Signature]
HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC			

COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) 	DATE 1/4/07	TIME 0715	TITLE OF SUPPLEMENT
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)

HEARING

Please: The rights were read aloud and witnessed by Inmate Soltero, who acknowledged understanding the charges. Inmate Soltero signed the CDC 115, the witness signature on the CDC 115.

Findings: Inmate Soltero was found **Guilty** of violating CCR§ 3005(b); specifically, "Recurring Failure to Meet Program Expectations," a Division 'F' offense (CCR§ 3323(h)(3)).

Disposition: Assessed 30 days forfeiture of behavioral credits, consistent with a Division 'F' offense (CCR§ 3323(h)(3)); Assessed 90 days loss of privileges: $\frac{1}{2}$ canteen draw, no special purchase, no quarterly packages, no telephone use and no yard access (to begin 01-11-07 and end 04-11-07); Inmate was counseled and reprimanded.

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

Disposition continued on CDC 115-C

ACTION BY: (TYPED NAME) J. Celaya, Lieutenant	SIGNATURE 	DATE 1/4/07	TIME 1830
REVIEWED BY: (SIGNATURE) G. Ponder, Captain	DATE 1/4/07	CHIEF DISCIPLINARY OFFICER'S SIGNATURE M. Moore	DATE 1/4/07
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) 	DATE 1/4/07	TIME 1830

CDC 115 (7/88)

SERIOUS RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLIERO	VIOLATED RULE NO(S). C.C.R. 3005(b)	DATE 12/26/06	INSTITUTION S.V.S.P.	LOG NO. 16117
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REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE ▶ N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE ▶ N/A	DATE

STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input type="checkbox"/> NOT ASSIGNED	REASON	

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE ▶	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input type="checkbox"/> NOT ASSIGNED	REASON	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER _____ ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

	GRANTED	NOT GRANTED
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

	GRANTED	NOT GRANTED
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE) ▶	INVESTIGATOR'S SIGNATURE ▶	DATE
		TIME	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 1 OF 2

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER C06-12-0047	INSTITUTION SVSP	TODAY'S DATE 01-11-07
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<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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Hearing: Hearing commenced on 01-11-07 at 1040 hours, Inmate Soltero refused to attend.

Inmate's Health: Inmate Soltero refused to attend the hearing, therefore, his health was not ascertained.

MHSDS: Inmate Soltero is not a participant in the Mental Health Services Delivery System.

Date of discovery: 12-26-06

Initial RVR copy issued on: 01-05-07

Hearing Completed on: 01-11-07

Last document issued to inmate on: 01-05-07

D.A. Postponed date: N/A

Date D.A. results issued: N/A

Time Constraints: All time constraints have been met pursuant to CCR§ 3320. Inmate Soltero acknowledged receiving all documents used for this hearing 24 hours prior to the hearing.

Staff Assistant (SA): Inmate Soltero (GPL HSD) does not meet the criteria for the assignment of a staff assistant per CCR§ 3315.

Investigative Employee (IE): Inmate Soltero does not meet the criteria for the assignment of an Investigative Employee per CCR§ 3315.

D.A. Referral: This matter was not referred to the Monterey County Attorney's Office.

Evidence Requested or Used: Inmate Soltero did not request that evidence be produced for this hearing at the time he was issued a copy of the CDC-115A.

Video Tape Evidence: No video tape evidence was utilized in the adjudication or fact finding process of this CDC-115 Rules Violation Report.

Inmate Plea and Statement: Inmate Soltero refused to attend the hearing, therefore, SHO entered a plea of Not Guilty on his behalf.

Witnesses Requested or Provided: Inmate Soltero did not request that any staff or inmate witnesses be produced for this hearing.

Witness Testimony at Hearing: No witnesses were requested or granted by the SHO.

Confidential Information: Confidential information was not used in the adjudication of this 115.

Findings: Inmate Soltero is found **guilty** of the charged offense of violating CCR§ 3005(b); for the specific act of, "Recurring Failure to Meet Program Expectations," a Division 'F' offense (CCR§ 3323(h)(3)). The evidence used to render this finding included:

- 1.) Rules Violation Report authored by Correctional Officer B. Chavez, which states in part, "On 12/22/06, at approximately 1030 hours...you inmate Soltero, (K-36340, C8-225), failed to participate in the facility interviews. Interviews are designed to gather information and assist the administration with returning the facility to normal program...On 12/26/06, you were instructed to interview and again failed to comply..."

SIGNATURE OF WRITER J. Celaya		TITLE Correctional Lieutenant		DATE NOTICE SIGNED 1/24/07	
COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE)		DATE SIGNED: 02/06/07	TIME SIGNED: 1800

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 2 OF 2

CDC NUMBER K-36340	INMATE'S NAME Soltero	LOG NUMBER C06-12-0047	INSTITUTION SVSP	TODAY'S DATE 01-11-07
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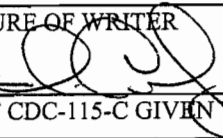

<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF:	<input type="checkbox"/> CDC 115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER
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Base on the aforementioned facts, this SHO finds the preponderance of the evidence **has** been met to render and sustain a finding of guilt on the charged offense of violating CCR§ 3005(b); specifically, "Recurring Failure to Meet Program Expectations," a Division 'F' offense (CCR§3323 (h)(3)).

Additional Disposition: None.

Enemy Concerns: There are no enemy concerns related to this disciplinary hearing.

Appeal Rights: Inmate Soltero was advised that the disposition of this Rules Violation Report would not become final until approved by the Chief Disciplinary Officer, at which time he will receive a final copy of the completed CDC-115. He was also advised of his rights to appeal the findings of this hearing, the methods of appealing, and credit restoration rights pursuant to CCR§ 3327 & 3328, governing the restoration of forfeited credits.

SIGNATURE OF WRITER J. Celaya 		TITLE Correctional Lieutenant		DATE NOTICE SIGNED 1/24/07	
COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE) 		DATE SIGNED: 02/06/07	TIME SIGNED: 1800

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	RELEASE/BOARD DATE	INST. S.V.S.P.	HOUSING NO. C8-225	LOG NO. 12-27-06
VIOLATED RULE NO(S). C.C.R. §3005(b)		SPECIFIC ACTS Recurring Failure to Meet Program Expectations		LOCATION Fac "C" Build. 8	DATE 12/26/06 TIME 1030 Hrs.

CIRCUMSTANCES On 12/22/06, at approximately 1030 hours, you Inmate SOLTERO, (K-36340, C8-225), failed to participate in the facility interviews. Interviews are designed to gather information and assist the administration with returning the facility to a normal program. By failing to interview the administration is unable to determine the threat you pose to other inmates or staff and or having any information relative to the incident (criminal gang activity which occurred) that requires the interview process per D.O.M. 55015 Unlock Protocol. Based on this, it appears that you are promoting the activity or organized criminal/gang/disruptive group activity, which occurred that required an investigation/interview process to be implemented. As a general population inmate, you are expected to comply with departmental policy, rules and regulations as well as institutional procedures. State and Federal Laws. By failing to participate in the interview process, you are willfully indicating that you may have information and could actively be participating and promoting in organized criminal gang/disruptive group activity. You were non-receptive to counseling. On 12/26/06, you were instructed to interview and again failed to comply. Based on the nature of the incident your refusal to participate in the review process, you are promoting organized criminal gang/disruptive group activity. You are instructed to comply with the interview process. Failure to do so will continue to result in progressive discipline. Inmate SOLTERO [is] [is not] a participant in the Mental Health Services Delivery System.

REPORTING EMPLOYEE (Typed Name and Signature) B. Chavez, Correctional Officer		DATE 12/27/06	ASSIGNMENT C8 Floor Officer	RDO'S T/F
REVIEWING SUPERVISOR'S SIGNATURE [Signature]		DATE 1/3/07	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: 5	DATE 12/26/06	CLASSIFIED BY (Typed Name and Signature) [Signature]	HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

COPIES GIVEN INMATE BEFORE HEARING

<input checked="" type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) [Signature]	DATE 12/27/06	TIME 10:30	TITLE OF SUPPLEMENT	
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE) [Signature]	DATE	TIME	BY: (STAFF'S SIGNATURE) [Signature]	DATE TIME

HEARING

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)	SIGNATURE [Signature]	DATE	TIME
REVIEWED BY: (SIGNATURE) [Signature]	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE [Signature]	DATE
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE) [Signature]	DATE	TIME

CDC 115 (7/88)

SERIOUS RULES VIOLATION REPORT

CDC NUMBER K-36340	INMATE'S NAME SOLTERO	VIOLATED RULE NO(S) C.C.R. §3005(b)	DATE 12/26/06	INSTITUTION S.V.S.P.	LOG NO. 606-12-0517
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 REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
DATE NOTICE OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE N/A	DATE

STAFF ASSISTANT

STAFF ASSISTANT	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE		
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input type="checkbox"/> NOT ASSIGNED	REASON D. ...	

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE		
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON D. ...	

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☐ OTHER ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)

	GRANTED	NOT GRANTED		GRANTED	NOT GRANTED
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

<input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE	BY: (STAFF'S SIGNATURE)	INVESTIGATOR'S SIGNATURE	DATE
		TIME	DATE